

CLERK, U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
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2014 OCT 30 AM 11 29

JUSTIN COOKE, PRO SE
3080 N BROADWAY
BOULDER CO 80304
720-840-2570

UNITED STATES DISTRICT COURT
for the
DISTRICT OF NEW JERSEY
TRENTON VICINAGE

JUSTIN COOKE,

Plaintiff

v.

BOROUGH OF KEANSBURG,
KEANSBURG POLICE DEPARTMENT,
KEANSBURG POLICE DEPARTMENT
STREET CRIMES UNIT,
KEANSBURG MUNICIPAL COURT,
JAMES PIGOTT
individually and in his official capacity as
Chief of Police for the Borough of Keansburg,
CHRISTOPHER ROGAN
individually and in his official capacity as a
Police Officer for the Borough of Keansburg,
JASON LOPEZ
Individually and in his official capacity as a
Police Officer for the Borough of Keansburg
JOSEPH PENNACCHIA
Individually and in his official capacity as a
Police Dispatcher for the Borough of
Keansburg,
GERALD MASSELL
Individually and in his official capacity as
Municipal Prosecutor for the Borough of
Keansburg,
MICHAEL PUGLIESE
individually and in his official capacity as
Municipal Judge for the Borough of
Keansburg
THOMAS FOLEY
individually and in his official capacity as
Mayor of the Borough of Keansburg

Defendants

VERIFIED CIVIL RIGHTS
COMPLAINT WITH JURY TRIAL
DEMANDED ON ALL COUNTS

(42 U.S.C §1983, §1985)

Civil Action No. _____

Plaintiff seeks injunctive and declaratory relief that the policies, practices and/or customs described herein violate the Fourth and Fourteenth Amendments and an injunction disbanding the Street Crimes Unit of the Keansburg Police Police Department and enjoining Defendants from continuing such unconstitutional policies, practices and/or customs. In addition Plaintiff seeks compensatory and punitive damages and such other relief this Court deems equitable and just.

INTRODUCTION

JUSTIN COOKE ["Cooke"] of 3080 N Broadway, Boulder, Boulder County, Colorado 80304 hereby asserts the following claims against defendants in the above-entitled action:

- (1) violation of the Fourth Amendment of the U.S. Constitution, right to be free from unreasonable searches and seizures, pursuant to 42 U.S.C. § 1983 and violation of the Fourteenth Amendment protection against deprivation of liberty without due process of law, pursuant to 42 U.S.C. § 1983
- (2) violation of the Equal Protection Clause of the U.S. Constitution, pursuant to 42 U.S.C. § 1983
- (3) impairment of the right to travel in violation of the Equal Protection Clause of the U.S. Constitution, pursuant to 42 U.S.C. § 1983

(4) violation of the Full Faith and Credit Clause of the U.S. Constitution, pursuant to 42 U.S.C. § 1983

(5) violation of the Due Process Clause of the U.S. Constitution, pursuant to 42 U.S.C. § 1983

(6) violation of the Commerce Clause of the U.S. Constitution, pursuant to 42 U.S.C. § 1983

(7) conspiracy to impede, hinder, obstruct, or defeat, the due course of justice, pursuant to 42 U.S.C. § 1985(2)

JURISDICTION

Jurisdiction of this court arises under 42 U.S.C. §1983, §1985. Jurisdiction is conferred upon this court under 28 U.S.C. § 1331 and 1343(3) and (4), as this action seeks redress for the violation of Plaintiff's constitutional and civil rights.

Plaintiff's claims for declaratory and injunctive relief are authorized by 28 U.S.C. § § 2201 and 2202 and Rule 57 of the Federal Rules of Civil Procedure.

Plaintiff further invokes this Court's supplemental jurisdiction, pursuant to 28 U.S.C. § 1367(a), over any and all current and/or future state constitutional and state law claims that are so related to the claims within the original jurisdiction of this Court that they form part of the same case or controversy.

VENUE

Venue is proper in the United States District Court for the District of New Jersey, Trenton Vicinage pursuant to 28 U.S.C. § 1391 (b) and (c).

JURY DEMAND

Plaintiff demands trial by jury in this action on each and every one of his claims.

PARTIES

1. Plaintiff Justin Cooke ["Cooke"] is a natural person residing at 3080 N Broadway, Boulder, Boulder County, Colorado, United States of America 80304; is and was a citizen of Colorado during all relevant times of this action who is authorized under Colorado state law as a medical marijuana patient permitted to possess marijuana under state law in the treatment of a debilitating medical condition, on the recommendation of a duly-licensed Colorado physician and at all relevant times of this action has held a valid Medical Marijuana Patient license issued by the State of Colorado, Department of Public Health and Environment. Cooke is a college student,

musician and has no criminal convictions. Cooke is practicing member of the Rastafari religion and uses marijuana as a food, medicine and religious sacrament in compliance with the federal RFRA 42 U.S.C. § 2000bb through 42 U.S.C. § 2000bb-4. Cooke also maintains a dreadlocked hairstyle as part of his religious practice.

2. Defendant, Borough of Keansburg ["Keansburg"] is a Municipal Corporation, organized under the laws of the State of New Jersey, and is located at 29 Church Street, Keansburg, Monmouth County, New Jersey, United States of America 07734. It is responsible for the policies, procedures, and practices implemented through its various agencies, agents, departments and employees, and for injury occasioned thereby. It was also the public employer of Defendants James Pigott, Christopher Rogan, Jason Lopez, Joseph Pennacchia, Gerald Massell, Thomas Foley, and Michael Pugliese. Defendants Keansburg Police Department and Keansburg Municipal Court are agencies of the Borough of Keansburg. The Municipal Court is located in the 29 Church Street building and the Keansburg Police Department is located at 179 Carr Avenue, Keansburg, Monmouth County, New Jersey, United States of America 07734. The Street Crimes Unit is a part of the Keansburg Police Department and is located at 179 Carr Avenue, Keansburg, Monmouth County, New Jersey, United States of America 07734.

3. Defendant, James Pigott ["Pigott"] c/o 179 Carr Avenue, Keansburg, Monmouth County, New Jersey, United States of America 07734, is a natural person, a resident of New Jersey, United States of America and employed as a duly-appointed Police Chief by the Borough of Keansburg, Police Department, at all times relevant to this Complaint. He is responsible for the policies,

procedures, and practices implemented through the officers and employees of the Keansburg Police Department, and for injury occasioned thereby.

4. Defendant, Christopher Rogan ["Rogan"] c/o 179 Carr Avenue, Keansburg, Monmouth County, New Jersey, United States of America 07734, is a natural person, a resident of New Jersey, United States of America and a duly-appointed New Jersey state law enforcement officer, employed as a Police Officer, with the title of "Patrolman" by the Borough of Keansburg, Police Department, at all times relevant to this Complaint. Rogan is assigned to the Street Crimes Unit as a plainclothes officer who drives unmarked cars as part of his duties.

5. Defendant, Jason Lopez ["Lopez"] c/o 179 Carr Avenue, Keansburg, Monmouth County, New Jersey, United States of America 07734, is a natural person, a resident of New Jersey, United States of America and a duly-appointed New Jersey state law enforcement officer, employed as a Police Officer, with the title of "Detective" by the Borough of Keansburg, Police Department, at all times relevant to this Complaint. Lopez is assigned to the Street Crimes Unit as a plainclothes officer who drives unmarked cars as part of his duties.

6. Defendant, Joseph Pennacchia ["Pennacchia"] c/o 179 Carr Avenue, Keansburg, Monmouth County, New Jersey, United States of America 07734, is a natural person, a resident of New Jersey, United States of America and employed as a duly-appointed Police Dispatcher by the Borough of Keansburg, Police Department, at all times relevant to this Complaint.

7. Defendant, Gerald Massell ["Massell"] 222 Hwy 35, Red Bank, Monmouth County, New Jersey, United States of America 07701, is a natural person, a resident of New Jersey, United States of America, a licensed New Jersey attorney and employed as a duly-appointed Municipal Prosecutor, by the Borough of Keansburg at all times relevant to this Complaint.

8. Defendant, Michael Pugliese ["Pugliese"] 27 West St Ste 2, Red Bank, Monmouth County, New Jersey, United States of America 07701, is a natural person, a resident of New Jersey, United States of America, a licensed New Jersey attorney and employed as a duly-appointed Municipal Court Judge, by the Borough of Keansburg at all times relevant to this Complaint.

9. Defendant, James Pigott ["Pigott"] c/o 179 Carr Avenue, Keansburg, Monmouth County, New Jersey, United States of America 07734, is a natural person, a resident of New Jersey, United States of America and employed as a duly-appointed Police Chief by the Borough of Keansburg, Police Department, at all times relevant to this Complaint. He is responsible for the policies, procedures, and practices implemented through the officers and employees of the Keansburg Police Department, and for injury occasioned thereby.

10. Defendant, Thomas Foley ["Foley"] c/o 29 Church Street, Keansburg, Monmouth County, New Jersey, United States of America 07734, is a natural person, a resident of New Jersey, United States of America and is Mayor of the Borough of Keansburg, at all times relevant to this Complaint. He is responsible for the policies, procedures, and practices implemented through the officers and employees of the Keansburg Police Department, and for injury occasioned thereby in his role as Mayor.

11. Plaintiff sues all public employees in their official and individual capacities.

12. At all times material to this Complaint, Defendants Massell and Pugliese, acted toward Plaintiff under color of the statutes, ordinances, customs, and usage of the State of New Jersey, Borough of Keansburg and the Keansburg Municipal Court.

13. At all times material to this Complaint, Defendants Rogan, Lopez, Pennacchia, Pigott acted toward plaintiff under color of the statutes, ordinances, customs, and usage of the State of New Jersey, Borough of Keansburg and the Keansburg Police Department.

14. At all times material to this Complaint Foley acted toward plaintiff under color of the statutes, ordinances, customs, and usage of the State of New Jersey, Borough of Keansburg.

FACTS

15. On May 8, 2014, Cooke was present in Keansburg, New Jersey with friend Michael Hayden ["Hayden"] of Howell, Monmouth County, New Jersey for the purpose of attending a mutual friend's birthday party.

16. After parking his vehicle, Cooke and Hayden proceeded to walk directly across the suburban, residential Keansburg, New Jersey street known as Center Avenue for the purpose of entering

their friend's home, where the birthday party was being held. That area, a quiet residential neighborhood, of Center Avenue does not have a crosswalk.

17. Before Cooke and Hayden were able to finish crossing the street, Keansburg Police Officers Rogan and Lopez appeared and demanded both men stop and answer police questions. Cooke attempted to leave and asked Rogan and Lopez if he was free to leave. Lopez told Cooke they were not free to leave and were being stopped on suspicion of arson and narcotics trafficking. Pennacchia was contacted via radio and assisted them with logistics before, during and after the unlawful arrest conspiracy in his role as a Keansburg Police Dispatcher.

18. Lopez then proceed to tell Cooke that because he had dreadlocks, he believed Cooke was in possession of marijuana and demanded he to surrender any marijuana in his possession.

19. Cooke proceeded to tell Lopez and Rogan that he would not answer any questions without a lawyer, demanded a lawyer and told them he would not consent to any searches.

20. Lopez and Rogan then replied to Cooke that they didn't care about his legal rights and they were going to search him despite his failure to consent.

21. Rogan proceeded to forcibly illegally search Cooke's left pant pocket and removed an item alleged to be a glass smoking pipe and 0.77 grams of marijuana.

22. Cooke presented his Colorado Driver License and Colorado Medical Marijuana Patient License to Lopez and Rogan, but the police ignored his medical license and told him they were going to use the address of his family's New Jersey home linked to an invalidated New Jersey Driver License on the police report instead to make sure they could "get him", despite the fact his old New Jersey license had been physically clipped by the Colorado Bureau of Motor Vehicles when they issued his Colorado Driver License in October 2013. Lopez and Rogan later told Cooke that "Everyone from Colorado is a pothead who should all be shot and killed".

23. This threat of violence based on his Colorado citizenship prompted Cooke to become in fear for his personal safety and Cooke later reported the threat to Detective David D'Amico of the Monmouth County Prosecutor's Office Professional Responsibility Unit.

24. After illegally searching Cooke and forcibly obtaining the alleged marijuana, Rogan placed Cooke under arrest and he was transported to Keansburg Police Headquarters for booking. Hayden was released with a future court date on a traffic summons for "Walking in the Roadway". Cooke was released after booking on a summons after being criminally charged with Possession of Marijuana under 50 grams N.J.S.A. 2C:35-10A(4), Possession of Drug Paraphernalia N.J.S.A. 2C:36-2 and issued a traffic summons on a charge of Walking in Roadway N.J.S.A. 39:4-34.

25. It should be noted that in a March 24, 2010 article by reporter Michelle Sahn published in the Asbury Park Press newspaper entitled "When surveillance teams drive by, dealers are driven indoors" Lopez was quoted as claiming "Most gang members are teenagers or men in their 20s".

Plaintiff Cooke was 19 years of age at the time of incident and believes that due to his age and hairstyle that Lopez incorrectly profiled him as a gang member and put his incorrect hunch above the law. The article also detailed in a quote by another officer "We were confronting people we knew were gang members and drug dealers on the street," Davis said, describing the early days of the Street Crimes Unit. "We (arrested) a lot of guys with drugs, with weapons. We found out where they do business. We were in their faces constantly. If a guy threw a cigarette butt on the street, he got a littering ticket. If he was drinking outside, he got a ticket."

26. Based on the officer's conduct and quoted statements from the newspaper article, Cooke believes that he was stopped by police officers who incorrectly illegally profiled him as a gang member involved in narcotics trafficking who then followed de facto departmental procedure of lying to justify an illegal stop and search, by lying and claiming he was "walking in the roadway" when he was actually simply quickly crossing a quiet residential street that lacked a crosswalk as an interstate traveler for the purpose of attending a birthday party.

27. On May 22, 2014 and subsequent dates Cooke appeared before Municipal Judge Pugliese and Prosecutor Massell in the Keansburg Municipal Court and plead not guilty to all charges. Despite moving to dismiss the drug charges and have any alleged marijuana returned based on his licensed Medical Marijuana patient status exempting him from criminal liability for marijuana possession for medical purposes, as New Jersey also allows medical marijuana, Massell and Pugliese have conspired to violate Cooke's rights by refusing to dismiss the case. Cooke has since returned to Colorado and the case is still pending in the Keansburg Municipal Court.

COUNT 1: VIOLATIONS OF 42 U.S.C. 1983: ARREST

Plaintiff repeats, realleges and incorporates by reference the allegations, information and facts above with the same force and effect as if herein set forth.

At all times relevant herein, the conduct of all Defendants were subject to 42 U.S.C. secs. 1983 and 1985.

Acting under the color of law, Defendants conspired and worked a denial of Cooke's rights, privileges or immunities secured by the United States Constitution or by Federal law to wit:

By depriving Cooke of his liberty without due process of law, by taking him into custody and holding him there against his will,

County of Sacramento v. Lewis. 523 U.S. 833 (1998); Youngberg v. Romeo, 457 U.S. 307, 315 (1982);

By making an unreasonable search and seizure of his property without due process of law,

By conspiring for the purpose of impeding and hindering the due course of justice, to deny Cooke equal protection of laws,

By refusing or neglecting to prevent such deprivations and denials to plaintiff, thereby depriving plaintiff of his rights, privileges, and immunities as guaranteed by the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States.

Bell v. Wolfish, 441 U.S. 520, 535 n. 16 (1979)

Defendants Borough of Keansburg, Keansburg Police Department and Pigott negligently trained and failed to properly monitor the policing practices of Defendants Lopez, Rogan and Pennacchia.

No complaint, information or indictment was ever sworn against Cooke alleging offenses occurring prior to the moment Lopez and Rogan told him he was not free to leave and then subsequently illegally searched, handcuffed and arrested him.

As a result of their concerted unlawful and malicious arrest by Defendants Lopez and Rogan with the assistance of Pennacchia, Cooke was deprived of both his liberty without due process of law and his right to equal protection of the laws, and the due course of justice was impeded, in violation of the Fifth and Fourteenth Amendments of the Constitution of the United States and 42 U.S.C. sec. 1983.

Knowles v. Iowa, 525 U.S. 113 (1998) additionally prohibits searches in an alleged civil traffic offense matter, the category in which the alleged Walking in Roadway ticket would fall.

WHEREFORE, Plaintiff Cooke demands judgment against all Defendants for injunctive relief and actual, special, compensatory damages in an amount deemed at time of trial to be just, fair, and appropriate.

Punitive damages are recoverable in sec. 1983 suit where defendant's conduct is motivated by an evil motive or intent, or where it involves reckless or callous indifference to plaintiff's federally protected rights). *Smith v. Wade*, 461 U.S. 30, 50-51 (1983).

Plaintiff believes this misconduct is rampant in the Street Crimes Unit and requests the court order the Street Crimes Unit be disbanded.

COUNT 2: VIOLATIONS OF 42 U.S.C. 1983: EQUAL PROTECTION

Plaintiff repeats, realleges and incorporates by reference the allegations, information and facts above with the same force and effect as if herein set forth.

At all times relevant herein, the conduct of all Defendants were subject to 42 U.S.C. secs. 1983 and 1985.

Acting under the color of law, Defendants conspired and worked a denial of Cooke's rights, privileges or immunities secured by the United States Constitution or by Federal law to wit:

Lopez, Rogan, Massell and Pugliese have all viewed and/or received photocopies in discovery of Cooke's Colorado Medical Marijuana license. Lopez and Rogan were aware of Cooke's patient status at time of arrest. Massell and Pugliese became aware of this licensed patient status no later

than the time the Plaintiff provided discovery in the municipal court case. It is a violation of Cooke's right to Equal Protection for Cooke to be prosecuted in New Jersey for marijuana possession, when New Jersey issues licenses to New Jersey residents to allow them to possess marijuana lawfully under state law, but requires state residency to obtain a New Jersey Medical Marijuana license and denies any application made by an out-of-state patient. N.J.S.A. 24:6I-1 to -16

WHEREFORE, Plaintiff Cooke demands judgment against all Defendants for injunctive relief and actual, special, compensatory damages in an amount deemed at time of trial to be just, fair, and appropriate.

COUNT 3: VIOLATIONS OF 42 U.S.C. 1983: RIGHT TO TRAVEL

Plaintiff repeats, realleges and incorporates by reference the allegations, information and facts above with the same force and effect as if herein set forth.

At all times relevant herein, the conduct of all Defendants were subject to 42 U.S.C. secs. 1983 and 1985.

Acting under the color of law, Defendants conspired and worked a denial of Cooke's rights, privileges or immunities secured by the United States Constitution or by Federal law to wit:

The Due Process Clause of the Fourteenth Amendment applies when government action deprives a person of liberty. *Greenholtz v. Inmates of the Nebraska Penal and Correctional Complex*, 442 U.S. 1, 7, 99 S.Ct. 2100, 60 L.Ed.2d 668 (1979). American citizens enjoy the constitutionally protected liberty to travel across state borders. See *Shapiro v. Thompson*, 394 U.S. 618, 629-30, 89 S.Ct. 1322, 22 L.Ed.2d 600 (1969) (all citizens have the liberty "to travel throughout the ... land uninhibited by statutes, rules, or regulations which unreasonably burden or restrict this movement"). Ordinarily, a state may not impose restrictions on this fundamental right without demonstrating a compelling governmental interest in curtailing it. *Id.* at 634, 89 S.Ct. 1322.

"No State shall ... deny to any person within its jurisdiction the equal protection of the laws." U.S. Const.amend. XIV, § 1. The Equal Protection Clause's primary aim is to ensure that "all persons similarly situated should be treated alike." *City of Cleburne v. Cleburne Living Center, Inc.*, 473 U.S. 432, 439, 105 S.Ct. 3249, 87 L.Ed.2d 313 (1985).

As a travelling state-authorized, card holding, Medical Marijuana patient, Cooke must be afforded the protections of N.J.S.A. 24:6I-1 to -16. Arresting and prosecuting under New Jersey law Cooke for actions that would be permitted for a New Jersey resident patient under N.J.S.A. 24:6I-1 to -16 violates his constitutional rights.

WHEREFORE, Plaintiff Cooke demands judgment against all Defendants for injunctive relief and actual, special, compensatory damages in an amount deemed at time of trial to be just, fair, and appropriate.

COUNT 4: VIOLATIONS OF 42 U.S.C. 1983: FULL FAITH AND CREDIT CLAUSE

Plaintiff repeats, realleges and incorporates by reference the allegations, information and facts above with the same force and effect as if herein set forth.

At all times relevant herein, the conduct of all Defendants were subject to 42 U.S.C. secs. 1983 and 1985.

Acting under the color of law, Defendants conspired and worked a denial of Cooke's rights, privileges or immunities secured by the United States Constitution or by Federal law to wit:

Finstuen v. Crutcher, 496 F.3d 1139 (10th Cir. 2007) found an action could be brought under § 1983 to enforce the Full Faith and Credit Clause when a same-sex Louisiana couple filed suit on behalf of their Oklahoma-born child for whom they were unable to obtain a new birth certificate reflecting the adoption. Oklahoma statute prohibited recognition of same-sex adoptions and the State of Oklahoma refused to issue an adopted child a new birth certificate.

New Jersey only issues Medical Marijuana licenses to residents and even if New Jersey offered licenses to non-residents (which they do not), it would be an unreasonable burden on the right to travel to make traveling patients obtain a new Medical Marijuana license in every state they that also permits medical marijuana under state law.

Simply put, the State of New Jersey and the Defendants must recognize the validity of Cooke's Colorado issued Medical Marijuana license as equivalent to a locally issued document.

WHEREFORE, Plaintiff Cooke demands judgment against all Defendants for injunctive relief and actual, special, compensatory damages in an amount deemed at time of trial to be just, fair, and appropriate.

COUNT 5: VIOLATIONS OF 42 U.S.C. 1983: DUE PROCESS CLAUSE

Plaintiff repeats, realleges and incorporates by reference the allegations, information and facts above with the same force and effect as if herein set forth.

Acting under the color of law, Defendants conspired and worked a denial of Cooke's rights, privileges or immunities secured by the United States Constitution or by Federal law to wit:

Cooke was stopped, arrested and had his property taken by Defendants without in an arbitrary, discriminatory fashion without probable cause.

Defendants further denied Cooke his due process rights by arresting, prosecuting and seizing his alleged marijuana because he is a licensed Medical Marijuana patient under Colorado Law with a valid registration card. Cooke was determined to have a medical need for marijuana by a duly-licensed physician and state actors must not be permitted to steal medicine from a patient, especially when the medicine is lawful under the state laws of both Colorado and New Jersey.

WHEREFORE, Plaintiff Cooke demands judgment against all Defendants for injunctive relief and actual, special, compensatory damages in an amount deemed at time of trial to be just, fair, and appropriate.

COUNT 6: VIOLATIONS OF 42 U.S.C. 1983: COMMERCE CLAUSE

Plaintiff repeats, realleges and incorporates by reference the allegations, information and facts above with the same force and effect as if herein set forth.

Acting under the color of law, Defendants conspired and worked a denial of Cooke's rights, privileges or immunities secured by the United States Constitution or by Federal law to wit:

The State of New Jersey and Defendant's failure to recognize Medical Marijuana licenses issued by other U.S. States is a violation of the Commerce Clause by refusing to recognize the lawful status of Medical Patients authorized by other U.S. States with medical marijuana and creating an unlawful burden on interstate commerce.

Plaintiff is also unable to purchase marijuana from a New Jersey dispensary due to New Jersey's violations and must return to Colorado or another state that recognizes his medical license to obtain additional marijuana.

A broad construction of § 1983 is compelled by the statutory language, which speaks of deprivations of "any rights, privileges, or immunities secured by the Constitution and laws." It is also supported by § 1983's legislative history and by this Court's decisions, which have rejected attempts to limit the types of constitutional rights that are encompassed within the phrase "rights, privileges, or immunities," see, e.g., *Lynch v. Household Finance Corp.*, 405 U.S. 538, 92 S.Ct. 1113, 31 L.Ed.2d 424. Pp. 443-446.

The Commerce Clause confers "rights, privileges, or immunities" within the meaning of § 1983. In addition to conferring power on the Federal Government, the Clause is a substantive restriction on permissible state regulation of interstate commerce. And individuals injured by state action violating this aspect of the Clause may sue and obtain injunctive and declaratory relief. The three considerations for determining whether a federal statute confers a "right" within the meaning of § 1983—that the provision creates obligations binding on the governmental unit, that the plaintiff's interest is not too vague and amorphous to be beyond the judiciary's competence to enforce, and that the provision was intended to benefit the plaintiff—also weigh in favor of recognition of a right under the Clause.

WHEREFORE, Plaintiff Cooke demands judgment against all Defendants for injunctive relief and actual, special, compensatory damages in an amount deemed at time of trial to be just, fair, and appropriate.

COUNT 7: VIOLATIONS OF 42 U.S.C. 1985: CONSPIRACY TO IMPEDE, HINDER, OBSTRUCT, OR DEFEAT, THE DUE COURSE OF JUSTICE

Plaintiff repeats, realleges and incorporates by reference the allegations, information and facts above with the same force and effect as if herein set forth.

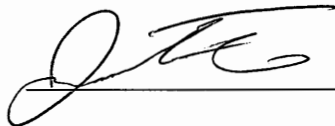
Acting under the color of law, Defendants conspired and worked a denial of Cooke's rights, privileges or immunities secured by the United States Constitution or by Federal law to wit:

Defendants falsely arrested and subsequently prosecuted Cooke on grounds they knew to be false and/or failed to dismiss the marijuana charges against him despite the fact he is Medical Marijuana license holder, for discriminatory reasons.

WHEREFORE, Plaintiff Cooke demands judgment against all Defendants for injunctive relief and actual, special, compensatory damages in an amount deemed at time of trial to be just, fair, and appropriate.

Dated:

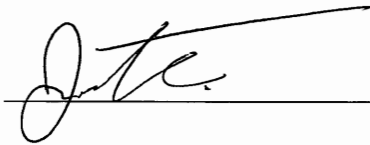
10/27/2014



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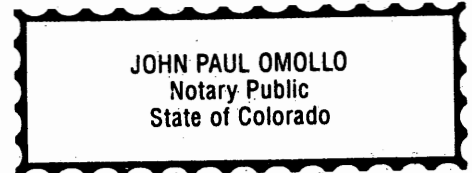
PLAINTIFF'S VERIFICATION

The undersigned, being duly sworn, deposes and says that I am the Plaintiff herein, and have read the foregoing pleading filed on my behalf, and the facts stated therein are true.



Justin Cooke, Pro Se

SIGNATURE OF PLAINTIFF



Subscribed and sworn to before me, this 27 day of OCT 2014.

County of Boulder State of Colorado



Notary Public

**My Commission Expires
May 29, 2016**